

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER STURGILL,
et al.,

Plaintiffs,

vs.

LA INSURANCE XXIX, INC.,
et al.,

Defendants.

Case No. 1:06-cv-916

Hon. Wendell A. Miles

ORDER

This matter is before the court on plaintiffs’ “Motion permitting alternate service of summons and complaint on defendant Hafia Hermiz” (docket no. 2).

In their motion, plaintiffs state that they have been unable to serve the summons and complaint on defendant Hafia Hermiz. Fed. R. Civ. P. 4(e)(1) provides that service upon an individual may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located. Plaintiffs’ motion indicates that defendant Hafia Hermiz resides at 2461 Island View Drive, West Bloomfield, Michigan.

Michigan Court Rules 2.105(I)(1) provides the following alternate means of serving individuals within the state:

On a showing that service of process cannot reasonably be made as provided by this rule, the court may by order permit service of process be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.

Plaintiffs have presented evidence of their attempt to serve defendant Hafía Hermiz at her business address in Grand Rapids, MI. In addition, plaintiffs' process server has verified that he attempted to serve defendant Hafía Hermiz four times at her residence in West Bloomfield. From this record, it appears that plaintiffs have made a good faith attempt to serve defendant Hafía Hermiz, and that this defendant may be attempting to avoid service. Upon due consideration, the court finds that plaintiffs may serve defendant defendant Hafía Hermiz by alternate means. Accordingly, plaintiffs' motion for alternate service is **GRANTED**.

Plaintiffs may serve defendant Hafía Hermiz by performing all three of the following methods and filing a certificate of service for each method:

1. Mailing a copy of the summons and complaint, via first class mail, to Hafía Hermiz, 2461 Island View Drive, West Bloomfield, MI 48324;
2. Mailing a copy of the summons and complaint, via certified mail/return receipt requested, to Hafía Hermiz, 2461 Island View Drive, West Bloomfield, MI 48324; and,
3. Tacking or firmly affixing a copy of the summons and complaint to the door of the residence located at 2461 Island View Drive, West Bloomfield, MI 48324.

IT IS SO ORDERED.

Dated: April 12, 2007

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge